

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES ISIAH MACON, AIS 335089,)
)
Plaintiff,)
)
v.) CASE NO. 2:24-CV-349-WKW
) [WO]
W. MARVIN, DEPARTMENT OF)
CORRECTIONS, KILBY)
CORRECTIONAL FACILITY, and)
GWENDOLYN BABERS,)
)
Defendants.)

ORDER

Plaintiff James Isiah Macon, an inmate in the custody of the Alabama Department of Corrections (“ADOC”), filed this 42 U.S.C. § 1983 action seeking monetary damages for violations of his federal constitutional rights while incarcerated at the Kilby Correctional Facility. Defendants include the ADOC and prison officials.

Contemporaneously with the initiation of his Complaint on June 12, 2024, Plaintiff filed a Motion for Leave to Proceed *In Forma Pauperis* (Doc. # 2) and submitted information about the funds in his inmate account (Doc. # 3). In an Order entered on July 24, 2024, the court granted Plaintiff leave to proceed *in forma pauperis* and, in accordance with federal statutory requirements, directed the payment of an initial filing fee and monthly payments as specified therein. (Doc.

6.) The Order also cautioned Plaintiff that his failure to comply with the Order would result in a recommendation for dismissal of this action. (*Id.*) Plaintiff requested, and was granted, two extensions of the deadline to pay the initial filing fee. (Docs. # 8, 10, 11-1, 12.) Plaintiff did not pay the initial filing fee by the second extended deadline of September 30, 2024. Therefore, after nearly four months had passed, on January 29, 2025, the Magistrate Judge filed a Recommendation for dismissal based on the authority of courts to dismiss cases for failure to prosecute or obey court orders, as supported by Rule 41(b) of the Federal Rules of Civil Procedure and controlling case law. (Doc. # 13 at 1–2.) Plaintiff had until February 12, 2025, to file objections (*id.* at 2); however, to date, no objections have been filed.

Based upon the foregoing and an independent review of the record, it is ORDERED as follows:

- (1) The Recommendation (Doc. # 13) is ADOPTED; and
- (2) Plaintiff's action is DISMISSED without prejudice.

Final judgment will be entered separately.

DONE this 26th day of March, 2025.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE